

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JOHN DOE,

Plaintiff,

v.

MICHIGAN STATE UNIVERSITY,
MICHIGAN STATE UNIVERSITY BOARD
OF TRUSTEES; JOHN ENGLER, individually and
as agent for Michigan State University, KROLL
ASSOCIATES, INC., as agent for Michigan State
University, MARK EHLERS, individually and as
agent for Michigan State University, KENDRA
WALDSMITH, individually and as agent for
Michigan State University, ANDE DUROJAIYE,
individually and as agent for Michigan State
University, RICK SHAFER, individually and as
agent for Michigan State University, and DENISE
MAYBANK, individually and as agent for
Michigan State University,

Defendants.

**MSU DEFENDANTS' NOTICE
OF SUPPLEMENTAL AUTHORITY**

The Michigan State University (MSU) Defendants respectfully submit this notice of supplemental authority to apprise the Court of developments in a case cited in their Reply Brief in Support of their Motion to Dismiss, ECF 53. In their reply, the MSU Defendants cited *Doe v. Regents of the University of California*, Case No. RG1902617 (Dec. 11, 2019), slip op. at 8, 10, attached as Exhibit 1 to the Reply, which had declined to certify, under California law, a class similar to that which Plaintiff seeks to certify here. *See* ECF 68, PageID.682. The court permitted the plaintiff to file a third amended complaint to attempt to remedy the deficiencies in the class allegations. *See* ECF 68-1, PageID.698.

On July 1, 2020, the Superior Court of California dismissed the class allegations in the third amended complaint without leave to amend. The court concluded that “[t]he questions of severity of sanction and centrality of credibility would . . . turn on case-specific facts,” precluding class-wide adjudication. *See Doe v. Regents of the University of California*, slip op. 3 (July 1, 2020), attached as Exhibit 1. As MSU explained in its motion to dismiss and reply, the class proposed here cannot be certified as a matter of law for the same reasons.

Respectfully submitted,

Dated: July 13, 2020

s/ Michael E. Baughman

Michael E. Baughman, Esq.
Christopher R. Healy
TROUTMAN PEPPER HAMILTON
SANDERS LLP
3000 Two Logan Square
Eighteenth & Arch Streets
Philadelphia, PA 19103-2799
(215) 981-4000
Michael.Baughman@Troutman.com
*Attorneys for Defendants Michigan State
University, Michigan State University Board
of Trustees, Ande Durojaiye, John Engler,
Rick Shafer, and Denise Maybank*

CERTIFICATE OF SERVICE

I certify that on July 13, 2020, pursuant to Local Rule 5.7, I filed the foregoing MSU Defendants' Notice of Supplemental Authority through the Court's Electronic Case Filing (ECF) system.

s/ Michael E. Baughman

Michael E. Baughman, Esq.